

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Police – Sri Qayyum Khan, RSI (Retd) – Period of ‘out of employment’ from 17-7-1999 to 1-3-2000 treated as “Not On duty” - Orders – Issued.

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HOME (SERVICES-II) DEPARTMENT

G.O.Ms.No. 8

Dated 6-1-2009  
Read the following:

1. From the Deputy Inspector General of Police, Hyderabad Range, Hyderabad Lr.No. 180/D-20/HR/97-06, dated 19-9-2006 addressed to the DGP, AP, Hyderabad
2. From the Director General of Police, AP, Hyderabad, Lr.Rc.No. 1276/U1/2005 , dated: 25-4-08
3. G.O.Rt.No.1242, Home (Ser.II) Department, dated:30-6-2008
4. Govt. Memo.No. 24620/Ser.II/A3/2008, dated 12-11-2008
5. From Sri Qayyum Khan, RSI (Retd), Representation dated 17-11-2008

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**Order:**

The Deputy Inspector General of Police, Hyderabad Range, Hyderabad in the reference 1<sup>st</sup> read above, has reported that Sri Qayyum Khan, RSI (Retired), while working in Ranga Reddy, District was handed upon with the following charges:-

“ Collected share capital from members (all Police Men and Officers of Ranga Reddy, District) @ Rs.100/- but printed receipts were not issued to the members and also the lump sum amount was shown in the Cash Book instead of writing of the names individual wise in the cash book. The admission fee of Rs.10/- from each member was not collected which is also irregular”.

2. In addition to the above, eight (8) more lapses were pointed out against him basing on the Audit report, which were included in the article of charge. During the oral enquiry charges were proved by the Enquiry Officer (Additional Superintendent of Police, Ranga Reddy District).

3. As per the APCS (CC&A) Rules, the Disciplinary Authority has imposed the punishment of dismissal from service treating the suspension period from 1-2-1997 to 31-7-1997 as NOT ON DUTY vide his Office R.O. No.514/99, dated: 16.7.99. On his appeal, the Additional Director General of Police, (Administration.), A.P., Hyderabad, vide Proceedings L.Dis.No.1429/T1/99, dated: :1.2.2000, modified the punishment of Dismissal to that of RTSP to the minimum scale of RSI for a period of four (4) years with effect on his future increments and pension by reinstating him into service and also suspension period and out of employment period was treated as NOT DUTY.

4. On the revision petition, the Government vide G.O. Ms.No.183, Home (Pol.D) Department, dated: 26.7.2000, have re-modified the punishment of RTSP to that of Censure treating the suspension and out of employment period as NOT ON DUTY. Further, the Government have rejected two representations of the applicant Sri Qayyum Khan, RSI (Retired) vide Memo. No.38738/Ser.II/A2/2002-1, dated: 28.11.2002, and Memo. No.28080/Ser.II/ A2/2004-2, dated: : 14.10.2005, when he approached through his representations for setting aside the punishment of Censure and suspension period and unemployment period treated as NOT ON DUTY.

5. Aggrieved with the above memos, the applicant has filed O.A.No.8342/2005 to set aside the Govt. Memo. No.28080/Ser.II/A2/2004-2, dated: : 14.10.05, and to direct the respondents to pay all the monetary benefits.

6. The orders of the Hon’ble A.P.A.T., in the judgment dated: 24.8.2006, as upheld by the Hon’ble High Court of Andhra Pradesh, Hyderabad, in WP. NO. 7756/07 , dated 22-3-2008, with regard to the period of suspension are as follows:

(contd..)

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*“ In a similar case in O.A. No.2601/2004 with C.A. No.639/2004, dated: 20.4.2005, the Tribunal has taken a view that the period of suspension between the issue of the G.O. Ms.No.238 and G.O. Ms.No.214 has to be dealt within terms of Proceedings initiated for major penalty ended in minor penalty. Thus, the period of suspension from 1.2.1997 to 31.7.1997 has to be treated as on duty, as the punishment imposed on the applicant ultimately ended up in “Censure; in the Revision Petition filed by the applicant before the 1<sup>st</sup> Respondent. Thus, the applicant is entitled to the full pay and allowances during the suspension period from 1.2.1997 to 31.7.1997.*

7. As regards to treat the dismissal (out of employment) period as on duty the Hon’ble Tribunal has passed the following orders:

*“ In view of the above, while setting aside the order to the extent of treating the period during which the applicant remained out of service as not duty, the case is remitted back to the Respondents to pass appropriate orders after giving reasonable opportunity to the applicant for making his representation if, he chooses within a reasonable period and pass appropriate orders, in accordance with Law, after considering his representation, if any, submitted by the applicant within the stipulated time*

8. In the reference 3<sup>rd</sup> read above, Government, keeping in view of the directions of the Tribunal in O.A.No. 8342/2005, as upheld by the High Court in W.P.No. 7756/07, have issued orders treating the period of suspension of Sri Qayyum Khan RSI (Retired) i.e from 1-2-1997 to 31-7-1997 as ON DUTY with full pay and allowances during the said suspension period.

9. In the reference 4<sup>th</sup> read above, Government, keeping in view of the directions of the Tribunal in O.A.No. 8342/2005, as upheld by the High Court in W.P.No. 7756/07, have directed Sri Qayyum Khan, RSI (Retired), to submit his further representation giving explanation to the Government, with regard to treating the out of employment period. In the reference 5<sup>th</sup> cited, the individual has submitted his explanation to the Government requesting to set aside the modified punishment of censure and to treat the period of out of employment as on duty.

10. Government, after careful examination of the matter, hereby decide to treat the period of out of employment of Sri Qayyum Khan RSI (Retd) i.e from 17-7-1999 to 1-3-2000, as ‘Not On Duty’, since the principle of ‘No Work – No Pay’ has to be applied in such cases.

11. The Director General of Police, AP, Hyderabad, is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director General of Police, Andhra Pradesh, Hyderabad

**Copy to**

The individual through the Director General of Police, A.P, Hyderabad

The Government Pleader for Home, Andhra Pradesh Administrative

Tribunal, Hyderabad (w.r.t CA No.169/2007)

SF/SC

//FORWARDED:: BY :: ORDER//

SECTION OFFICER